

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DOMINIQUE PIERRE LEONARD, §
 §
Petitioner, §
 §
v. § CIVIL ACTION NO. H-12-1814
 §
RICK THALER, §
 §
Respondent. §

MEMORANDUM OF DISMISSAL

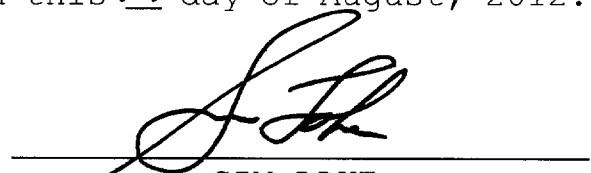
TDCJ inmate Dominique Pierre Leonard filed a petition for a writ of habeas corpus challenging a state court criminal judgment under 28 U.S.C. § 2254. Leonard has not responded to a court order entered on June 20, 2012 (Docket Entry No. 3), directing him to pay the filing fee or submit a properly supported application to proceed in forma pauperis no later than July 23, 2012. That order specifically provided that the petitioner's failure to comply as directed may result in dismissal of this action for want of prosecution. To date, there is nothing in the record indicating that Leonard attempted to comply.

The petitioner's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a district

court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); see also Larson v. Scott, 157 F.3d 1030 (5th Cir. 1998) (noting that a district court may dismiss an action sua sponte for failure to prosecute or to comply with any court order). The petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is **ORDERED** that this action is **DISMISSED** without prejudice for want of prosecution.

SIGNED at Houston, Texas, on this 15th day of August, 2012.



SIM LAKE
UNITED STATES DISTRICT JUDGE